

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

NATHANIEL FITZGERALD,  
ADC #84210

PLAINTIFF

v.

No. 4:12CV00080 JLH-JTK

TONY McHAN, *et al.*

DEFENDANTS

**ORDER**

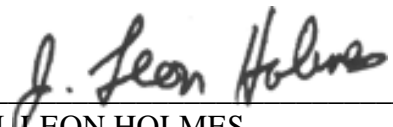
The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff Fitzgerald's Motion to Proceed *In Forma Pauperis* (Doc. No. 1) is DENIED.
2. Should Plaintiff wish to continue this case, he must submit the statutory filing fee of \$350.00 to the Clerk, noting the above case style and number within ten (10) days of the date of this Order, together with a motion to reopen the case. Upon receipt of the motion and full payment, the case will be reopened.
3. Plaintiff's Complaint is DISMISSED without prejudice.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 5th day of March, 2012.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE